



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0455

Introduced 1/29/2007, by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

730 ILCS 150/2	from Ch. 38, par. 222
730 ILCS 150/3	from Ch. 38, par. 223
730 ILCS 150/7	from Ch. 38, par. 227

Amends the Sex Offender Registration Act. Provides that a person is required to register as a sex offender who was not previously required to register before the effective date of this amendatory Act because the sex offense that the person committed occurred before a specified date. Requires that person to register within 5 days after the effective date of this amendatory Act. Provides that if the person is confined, institutionalized, or imprisoned in Illinois on or after the effective date of this amendatory Act, he or she shall register in person with the local law enforcement agency within 5 days of discharge, parole, or release. Provides for the duration of the registration.

LRB095 05555 RLC 25645 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning sex offenders.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Sex Offender Registration Act is amended by
5 changing Sections 2, 3, and 7 as follows:

6 (730 ILCS 150/2) (from Ch. 38, par. 222)

7 Sec. 2. Definitions.

8 (A) As used in this Article, "sex offender" means any
9 person who is:

10 (1) charged pursuant to Illinois law, or any
11 substantially similar federal, Uniform Code of Military
12 Justice, sister state, or foreign country law, with a sex
13 offense set forth in subsection (B) of this Section or the
14 attempt to commit an included sex offense, and:

15 (a) is convicted of such offense or an attempt to
16 commit such offense; or

17 (b) is found not guilty by reason of insanity of
18 such offense or an attempt to commit such offense; or

19 (c) is found not guilty by reason of insanity
20 pursuant to Section 104-25(c) of the Code of Criminal
21 Procedure of 1963 of such offense or an attempt to
22 commit such offense; or

23 (d) is the subject of a finding not resulting in an

1 acquittal at a hearing conducted pursuant to Section
2 104-25(a) of the Code of Criminal Procedure of 1963 for
3 the alleged commission or attempted commission of such
4 offense; or

5 (e) is found not guilty by reason of insanity
6 following a hearing conducted pursuant to a federal,
7 Uniform Code of Military Justice, sister state, or
8 foreign country law substantially similar to Section
9 104-25(c) of the Code of Criminal Procedure of 1963 of
10 such offense or of the attempted commission of such
11 offense; or

12 (f) is the subject of a finding not resulting in an
13 acquittal at a hearing conducted pursuant to a federal,
14 Uniform Code of Military Justice, sister state, or
15 foreign country law substantially similar to Section
16 104-25(a) of the Code of Criminal Procedure of 1963 for
17 the alleged violation or attempted commission of such
18 offense; or

19 (2) certified as a sexually dangerous person pursuant
20 to the Illinois Sexually Dangerous Persons Act, or any
21 substantially similar federal, Uniform Code of Military
22 Justice, sister state, or foreign country law; or

23 (3) subject to the provisions of Section 2 of the
24 Interstate Agreements on Sexually Dangerous Persons Act;
25 or

26 (4) found to be a sexually violent person pursuant to

1 the Sexually Violent Persons Commitment Act or any
2 substantially similar federal, Uniform Code of Military
3 Justice, sister state, or foreign country law; or

4 (5) adjudicated a juvenile delinquent as the result of
5 committing or attempting to commit an act which, if
6 committed by an adult, would constitute any of the offenses
7 specified in item (B), (C), or (C-5) of this Section or a
8 violation of any substantially similar federal, Uniform
9 Code of Military Justice, sister state, or foreign country
10 law, or found guilty under Article V of the Juvenile Court
11 Act of 1987 of committing or attempting to commit an act
12 which, if committed by an adult, would constitute any of
13 the offenses specified in item (B), (C), or (C-5) of this
14 Section or a violation of any substantially similar
15 federal, Uniform Code of Military Justice, sister state, or
16 foreign country law.

17 Convictions that result from or are connected with the same
18 act, or result from offenses committed at the same time, shall
19 be counted for the purpose of this Article as one conviction.
20 Any conviction set aside pursuant to law is not a conviction
21 for purposes of this Article.

22 For purposes of this Section, "convicted" shall have the
23 same meaning as "adjudicated". For the purposes of this
24 Article, a person who is defined as a sex offender as a result
25 of being adjudicated a juvenile delinquent under paragraph (5)
26 of this subsection (A) upon attaining 17 years of age shall be

1 considered as having committed the sex offense on or after the
2 sex offender's 17th birthday. Registration of juveniles upon
3 attaining 17 years of age shall not extend the original
4 registration of 10 years from the date of conviction.

5 (B) As used in this Article, "sex offense" means:

6 (1) A violation of any of the following Sections of the
7 Criminal Code of 1961:

8 11-20.1 (child pornography),

9 11-6 (indecent solicitation of a child),

10 11-9.1 (sexual exploitation of a child),

11 11-9.2 (custodial sexual misconduct),

12 11-9.5 (sexual misconduct with a person with a
13 disability),

14 11-15.1 (soliciting for a juvenile prostitute),

15 11-18.1 (patronizing a juvenile prostitute),

16 11-17.1 (keeping a place of juvenile
17 prostitution),

18 11-19.1 (juvenile pimping),

19 11-19.2 (exploitation of a child),

20 12-13 (criminal sexual assault),

21 12-14 (aggravated criminal sexual assault),

22 12-14.1 (predatory criminal sexual assault of a
23 child),

24 12-15 (criminal sexual abuse),

25 12-16 (aggravated criminal sexual abuse),

26 12-33 (ritualized abuse of a child).

1 An attempt to commit any of these offenses.

2 (1.5) A violation of any of the following Sections of
3 the Criminal Code of 1961, when the victim is a person
4 under 18 years of age, the defendant is not a parent of the
5 victim, and the offense was sexually motivated as defined
6 in Section 10 of the Sex Offender Management Board Act, ~~and~~
7 ~~the offense was committed on or after January 1, 1996:~~

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 (1.6) First degree murder under Section 9-1 of the
13 Criminal Code of 1961, when the victim was a person under
14 18 years of age and the defendant was at least 17 years of
15 age at the time of the commission of the offense, provided
16 the offense was sexually motivated as defined in Section 10
17 of the Sex Offender Management Board Act.

18 (1.7) (Blank).

19 (1.8) A violation or attempted violation of Section
20 11-11 (sexual relations within families) of the Criminal
21 Code of 1961, ~~and the offense was committed on or after~~
22 ~~June 1, 1997.~~

23 (1.9) Child abduction under paragraph (10) of
24 subsection (b) of Section 10-5 of the Criminal Code of 1961
25 committed by luring or attempting to lure a child under the
26 age of 16 into a motor vehicle, building, house trailer, or

1 dwelling place without the consent of the parent or lawful
2 custodian of the child for other than a lawful purpose ~~and~~
3 ~~the offense was committed on or after January 1, 1998,~~
4 provided the offense was sexually motivated as defined in
5 Section 10 of the Sex Offender Management Board Act.

6 (1.10) A violation or attempted violation of any of the
7 following Sections of the Criminal Code of 1961 ~~when the~~
8 ~~offense was committed on or after July 1, 1999:~~

9 10-4 (forcible detention, if the victim is under 18
10 years of age), provided the offense was sexually
11 motivated as defined in Section 10 of the Sex Offender
12 Management Board Act,

13 11-6.5 (indecent solicitation of an adult),

14 11-15 (soliciting for a prostitute, if the victim
15 is under 18 years of age),

16 11-16 (pandering, if the victim is under 18 years
17 of age),

18 11-18 (patronizing a prostitute, if the victim is
19 under 18 years of age),

20 11-19 (pimping, if the victim is under 18 years of
21 age).

22 (1.11) A violation or attempted violation of any of the
23 following Sections of the Criminal Code of 1961 ~~when the~~
24 ~~offense was committed on or after August 22, 2002:~~

25 11-9 (public indecency for a third or subsequent
26 conviction).

1 (1.12) A violation or attempted violation of Section
2 5.1 of the Wrongs to Children Act (permitting sexual abuse)
3 ~~when the offense was committed on or after August 22, 2002.~~

4 (2) A violation of any former law of this State
5 substantially equivalent to any offense listed in
6 subsection (B) of this Section.

7 (C) A conviction for an offense of federal law, Uniform
8 Code of Military Justice, or the law of another state or a
9 foreign country that is substantially equivalent to any offense
10 listed in subsections (B), (C), and (E) of this Section shall
11 constitute a conviction for the purpose of this Article. A
12 finding or adjudication as a sexually dangerous person or a
13 sexually violent person under any federal law, Uniform Code of
14 Military Justice, or the law of another state or foreign
15 country that is substantially equivalent to the Sexually
16 Dangerous Persons Act or the Sexually Violent Persons
17 Commitment Act shall constitute an adjudication for the
18 purposes of this Article.

19 (C-5) A person at least 17 years of age at the time of the
20 commission of the offense who is convicted of first degree
21 murder under Section 9-1 of the Criminal Code of 1961, against
22 a person under 18 years of age, shall be required to register
23 for natural life. A conviction for an offense of federal,
24 Uniform Code of Military Justice, sister state, or foreign
25 country law that is substantially equivalent to any offense
26 listed in subsection (C-5) of this Section shall constitute a

1 conviction for the purpose of this Article. ~~This subsection~~
2 ~~(C-5) applies to a person who committed the offense before June~~
3 ~~1, 1996 only if the person is incarcerated in an Illinois~~
4 ~~Department of Corrections facility on August 20, 2004 (the~~
5 ~~effective date of Public Act 93-977).~~

6 (D) As used in this Article, "law enforcement agency having
7 jurisdiction" means the Chief of Police in each of the
8 municipalities in which the sex offender expects to reside,
9 work, or attend school (1) upon his or her discharge, parole or
10 release or (2) during the service of his or her sentence of
11 probation or conditional discharge, or the Sheriff of the
12 county, in the event no Police Chief exists or if the offender
13 intends to reside, work, or attend school in an unincorporated
14 area. "Law enforcement agency having jurisdiction" includes
15 the location where out-of-state students attend school and
16 where out-of-state employees are employed or are otherwise
17 required to register.

18 (D-1) As used in this Article, "supervising officer" means
19 the assigned Illinois Department of Corrections parole agent or
20 county probation officer.

21 (E) As used in this Article, "sexual predator" means any
22 person who, ~~after July 1, 1999,~~ is:

23 (1) Convicted for an offense of federal, Uniform Code
24 of Military Justice, sister state, or foreign country law
25 that is substantially equivalent to any offense listed in
26 subsection (E) of this Section shall constitute a

1 conviction for the purpose of this Article. Convicted of a
2 violation or attempted violation of any of the following
3 Sections of the Criminal Code of 1961, ~~if the conviction~~
4 ~~occurred after July 1, 1999:~~

5 11-17.1 (keeping a place of juvenile
6 prostitution),

7 11-19.1 (juvenile pimping),

8 11-19.2 (exploitation of a child),

9 11-20.1 (child pornography),

10 12-13 (criminal sexual assault),

11 12-14 (aggravated criminal sexual assault),

12 12-14.1 (predatory criminal sexual assault of a
13 child),

14 12-16 (aggravated criminal sexual abuse),

15 12-33 (ritualized abuse of a child); or

16 (2) (blank); or

17 (3) certified as a sexually dangerous person pursuant
18 to the Sexually Dangerous Persons Act or any substantially
19 similar federal, Uniform Code of Military Justice, sister
20 state, or foreign country law; or

21 (4) found to be a sexually violent person pursuant to
22 the Sexually Violent Persons Commitment Act or any
23 substantially similar federal, Uniform Code of Military
24 Justice, sister state, or foreign country law; or

25 (5) convicted of a second or subsequent offense which
26 requires registration pursuant to this Act. ~~The conviction~~

1 ~~for the second or subsequent offense must have occurred~~
2 ~~after July 1, 1999.~~ For purposes of this paragraph (5),
3 "convicted" shall include a conviction under any
4 substantially similar Illinois, federal, Uniform Code of
5 Military Justice, sister state, or foreign country law.

6 (F) As used in this Article, "out-of-state student" means
7 any sex offender, as defined in this Section, or sexual
8 predator who is enrolled in Illinois, on a full-time or
9 part-time basis, in any public or private educational
10 institution, including, but not limited to, any secondary
11 school, trade or professional institution, or institution of
12 higher learning.

13 (G) As used in this Article, "out-of-state employee" means
14 any sex offender, as defined in this Section, or sexual
15 predator who works in Illinois, regardless of whether the
16 individual receives payment for services performed, for a
17 period of time of 10 or more days or for an aggregate period of
18 time of 30 or more days during any calendar year. Persons who
19 operate motor vehicles in the State accrue one day of
20 employment time for any portion of a day spent in Illinois.

21 (H) As used in this Article, "school" means any public or
22 private educational institution, including, but not limited
23 to, any elementary or secondary school, trade or professional
24 institution, or institution of higher education.

25 (I) As used in this Article, "fixed residence" means any
26 and all places that a sex offender resides for an aggregate

1 period of time of 5 or more days in a calendar year.

2 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
3 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06;
4 94-1053, eff. 7-24-06; revised 8-3-06.)

5 (730 ILCS 150/3) (from Ch. 38, par. 223)

6 Sec. 3. Duty to register.

7 (a) A sex offender, as defined in Section 2 of this Act, or
8 sexual predator shall, within the time period prescribed in
9 subsections (b) and (c), register in person and provide
10 accurate information as required by the Department of State
11 Police. Such information shall include a current photograph,
12 current address, current place of employment, the employer's
13 telephone number, school attended, extensions of the time
14 period for registering as provided in this Article and, if an
15 extension was granted, the reason why the extension was granted
16 and the date the sex offender was notified of the extension.
17 The information shall also include the county of conviction,
18 license plate numbers for every vehicle registered in the name
19 of the sex offender, the age of the sex offender at the time of
20 the commission of the offense, the age of the victim at the
21 time of the commission of the offense, and any distinguishing
22 marks located on the body of the sex offender. A person who has
23 been adjudicated a juvenile delinquent for an act which, if
24 committed by an adult, would be a sex offense shall register as
25 an adult sex offender within 10 days after attaining 17 years

1 of age. The sex offender or sexual predator shall register:

2 (1) with the chief of police in the municipality in
3 which he or she resides or is temporarily domiciled for a
4 period of time of 5 or more days, unless the municipality
5 is the City of Chicago, in which case he or she shall
6 register at the Chicago Police Department Headquarters; or

7 (2) with the sheriff in the county in which he or she
8 resides or is temporarily domiciled for a period of time of
9 5 or more days in an unincorporated area or, if
10 incorporated, no police chief exists.

11 If the sex offender or sexual predator is employed at or
12 attends an institution of higher education, he or she shall
13 register:

14 (i) with the chief of police in the municipality in
15 which he or she is employed at or attends an institution of
16 higher education, unless the municipality is the City of
17 Chicago, in which case he or she shall register at the
18 Chicago Police Department Headquarters; or

19 (ii) with the sheriff in the county in which he or she
20 is employed or attends an institution of higher education
21 located in an unincorporated area, or if incorporated, no
22 police chief exists.

23 For purposes of this Article, the place of residence or
24 temporary domicile is defined as any and all places where the
25 sex offender resides for an aggregate period of time of 5 or
26 more days during any calendar year. Any person required to

1 register under this Article who lacks a fixed address or
2 temporary domicile must notify, in person, the agency of
3 jurisdiction of his or her last known address within 5 days
4 after ceasing to have a fixed residence.

5 Any person who lacks a fixed residence must report weekly,
6 in person, with the sheriff's office of the county in which he
7 or she is located in an unincorporated area, or with the chief
8 of police in the municipality in which he or she is located.
9 The agency of jurisdiction will document each weekly
10 registration to include all the locations where the person has
11 stayed during the past 7 days.

12 The sex offender or sexual predator shall provide accurate
13 information as required by the Department of State Police. That
14 information shall include the sex offender's or sexual
15 predator's current place of employment.

16 (a-5) An out-of-state student or out-of-state employee
17 shall, within 5 days after beginning school or employment in
18 this State, register in person and provide accurate information
19 as required by the Department of State Police. Such information
20 will include current place of employment, school attended, and
21 address in state of residence. The out-of-state student or
22 out-of-state employee shall register:

23 (1) with the chief of police in the municipality in
24 which he or she attends school or is employed for a period
25 of time of 5 or more days or for an aggregate period of
26 time of more than 30 days during any calendar year, unless

1 the municipality is the City of Chicago, in which case he
2 or she shall register at the Chicago Police Department
3 Headquarters; or

4 (2) with the sheriff in the county in which he or she
5 attends school or is employed for a period of time of 5 or
6 more days or for an aggregate period of time of more than
7 30 days during any calendar year in an unincorporated area
8 or, if incorporated, no police chief exists.

9 The out-of-state student or out-of-state employee shall
10 provide accurate information as required by the Department of
11 State Police. That information shall include the out-of-state
12 student's current place of school attendance or the
13 out-of-state employee's current place of employment.

14 (b) Any sex offender, as defined in Section 2 of this Act,
15 or sexual predator, regardless of any initial, prior, or other
16 registration, shall, within 5 days of beginning school, or
17 establishing a residence, place of employment, or temporary
18 domicile in any county, register in person as set forth in
19 subsection (a) or (a-5).

20 (c) The registration for any person required to register
21 under this Article shall be as follows:

22 (1) Any person registered under the Habitual Child Sex
23 Offender Registration Act or the Child Sex Offender
24 Registration Act prior to January 1, 1996, shall be deemed
25 initially registered as of January 1, 1996; however, this
26 shall not be construed to extend the duration of

1 registration set forth in Section 7.

2 (2) Except as provided in subsection (c)(4), any person
3 convicted or adjudicated prior to January 1, 1996, whose
4 liability for registration under Section 7 has not expired,
5 shall register in person prior to January 31, 1996.

6 (2.1) Any person who was not required to register under
7 this Act before the effective date of this amendatory Act
8 of the 95th General Assembly but who is required to
9 register on or after the effective date of this amendatory
10 Act of the 95th General Assembly shall register in person
11 within 5 days after the effective date of this amendatory
12 Act of the 95th General Assembly. Any person unable to
13 comply with the registration requirements of this
14 amendatory Act of the 95th General Assembly because he or
15 she is confined, institutionalized, or imprisoned in
16 Illinois on or after the effective date of this amendatory
17 Act of the 95th General Assembly shall register in person
18 within 5 days of discharge, parole, or release.

19 (2.5) Except as provided in subsection (c)(4), any
20 person who has not been notified of his or her
21 responsibility to register shall be notified by a criminal
22 justice entity of his or her responsibility to register.
23 Upon notification the person must then register within 5
24 days of notification of his or her requirement to register.
25 If notification is not made within the offender's 10 year
26 registration requirement, and the Department of State

1 Police determines no evidence exists or indicates the
2 offender attempted to avoid registration, the offender
3 will no longer be required to register under this Act.

4 (3) Except as provided in subsection (c)(4), any person
5 convicted on or after January 1, 1996, shall register in
6 person within 5 days after the entry of the sentencing
7 order based upon his or her conviction.

8 (4) Any person unable to comply with the registration
9 requirements of this Article because he or she is confined,
10 institutionalized, or imprisoned in Illinois on or after
11 January 1, 1996, shall register in person within 5 days of
12 discharge, parole or release.

13 (5) The person shall provide positive identification
14 and documentation that substantiates proof of residence at
15 the registering address.

16 (6) The person shall pay a \$20 initial registration fee
17 and a \$10 annual renewal fee. The fees shall be used by the
18 registering agency for official purposes. The agency shall
19 establish procedures to document receipt and use of the
20 funds. The law enforcement agency having jurisdiction may
21 waive the registration fee if it determines that the person
22 is indigent and unable to pay the registration fee. Ten
23 dollars for the initial registration fee and \$5 of the
24 annual renewal fee shall be used by the registering agency
25 for official purposes. Ten dollars of the initial
26 registration fee and \$5 of the annual fee shall be

1 deposited into the Sex Offender Management Board Fund under
2 Section 19 of the Sex Offender Management Board Act. Money
3 deposited into the Sex Offender Management Board Fund shall
4 be administered by the Sex Offender Management Board and
5 shall be used to fund practices endorsed or required by the
6 Sex Offender Management Board Act including but not limited
7 to sex offenders evaluation, treatment, or monitoring
8 programs that are or may be developed, as well as for
9 administrative costs, including staff, incurred by the
10 Board.

11 (d) Within 5 days after obtaining or changing employment
12 and, if employed on January 1, 2000, within 5 days after that
13 date, a person required to register under this Section must
14 report, in person to the law enforcement agency having
15 jurisdiction, the business name and address where he or she is
16 employed. If the person has multiple businesses or work
17 locations, every business and work location must be reported to
18 the law enforcement agency having jurisdiction.

19 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;
20 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

21 (730 ILCS 150/7) (from Ch. 38, par. 227)

22 Sec. 7. Duration of registration. A person who has been
23 adjudicated to be sexually dangerous and is later released or
24 found to be no longer sexually dangerous and discharged, shall
25 register for the period of his or her natural life. A sexually

1 violent person or sexual predator shall register for the period
2 of his or her natural life after conviction or adjudication or
3 after the effective date of this amendatory Act of the 95th
4 General Assembly if the sexually violent person or sexual
5 predator was not required to register before the effective date
6 of this amendatory Act of the 95th General Assembly if not
7 confined to a penal institution, hospital, or other institution
8 or facility, and if confined, for the period of his or her
9 natural life after parole, discharge, or release from any such
10 facility. A person who has not been adjudicated to be sexually
11 dangerous or who is not a sexually violent person or sexual
12 predator and who is required to register under this Article as
13 a result of this amendatory Act of the 95th General Assembly
14 shall register for a period of 10 years after the effective
15 date of this amendatory Act of the 95th General Assembly if not
16 confined to a penal institution, hospital, or other institution
17 or facility, and if confined, for a period of 10 years after
18 parole, discharge, or release from any such facility. Any other
19 person who is required to register under this Article shall be
20 required to register for a period of 10 years after conviction
21 or adjudication if not confined to a penal institution,
22 hospital or any other institution or facility, and if confined,
23 for a period of 10 years after parole, discharge or release
24 from any such facility. A sex offender who is allowed to leave
25 a county, State, or federal facility for the purposes of work
26 release, education, or overnight visitations shall be required

1 to register within 5 days of beginning such a program.
2 Liability for registration terminates at the expiration of 10
3 years from the date of conviction or adjudication if not
4 confined to a penal institution, hospital or any other
5 institution or facility and if confined, at the expiration of
6 10 years from the date of parole, discharge or release from any
7 such facility, providing such person does not, during that
8 period, again become liable to register under the provisions of
9 this Article. Reconfinement due to a violation of parole or
10 other circumstances that relates to the original conviction or
11 adjudication shall extend the period of registration to 10
12 years after final parole, discharge, or release. The Director
13 of State Police, consistent with administrative rules, shall
14 extend for 10 years the registration period of any sex
15 offender, as defined in Section 2 of this Act, who fails to
16 comply with the provisions of this Article. The registration
17 period for any sex offender who fails to comply with any
18 provision of the Act shall extend the period of registration by
19 10 years beginning from the first date of registration after
20 the violation. If the registration period is extended, the
21 Department of State Police shall send a registered letter to
22 the law enforcement agency where the sex offender resides
23 within 3 days after the extension of the registration period.
24 The sex offender shall report to that law enforcement agency
25 and sign for that letter. One copy of that letter shall be kept
26 on file with the law enforcement agency of the jurisdiction

1 where the sex offender resides and one copy shall be returned
2 to the Department of State Police.

3 (Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06;
4 94-168, eff. 1-1-06; revised 8-19-05.)